

REMARKS

Applicants respectfully request that the foregoing amendments be made prior to examination of the present application. New claims 25-36 are respectively based on previously canceled claims 3-14.

IDS

Applicants are concurrently filing an IDS disclosing 8 references. Return of the initialed Form SB08 with the next communication from the examiner is respectfully requested.

Drawings

The present application was filed with formal drawings. Acceptance of the drawings by the examiner is respectfully requested in the next communication from the examiner.

Priority Document

The PTO acknowledged the receipt from the International Bureau of the priority document in the Notification of Acceptance dated July 20, 2005. In the Office Action dated February 13, 2003, the examiner did not check the appropriate box of the Office Action Summary acknowledging receipt of all of the certified copies of the priority documents from the International Bureau. Accordingly, acknowledgement of receipt of the certified copy of the priority document from the International Bureau is respectfully requested in the next communication from the Examiner.

Applicants are concurrently filing with this application a translation of the priority document.

Objections to the Specification

Cross noting in the specification is not required during the national phase of a 371 application because the 371 application is not considered a continuation or separate application, but rather the same application as the international application. The below passage from MPEP 1893.03(d) is instructive on this point.

Note: a national stage application submitted under 35 U.S.C. 371 may not claim benefit of the filing date of the international application of which it is the national stage since its filing date is the date of filing of that international application. See also MPEP § 1893.03(b). Stated differently, since the international application is not an earlier application (it has the same filing date as the national stage), a benefit claim under 35 U.S.C. 120 in the national stage to the international application is inappropriate and may result in the submission being treated as an application filed under 35 U.S.C. 111(a). See MPEP § 1893.03(a). Accordingly, it is not necessary for the applicant to amend the first sentence(s) of the specification to reference the international application number that was used to identify the application during international processing of the application by the international authorities prior to commencement of the national stage.

The specification has otherwise been amended to overcome the examiner's objections.

Rejections Under 35 USC 112, Indefiniteness

The examiner contends that the Jurkat CD16 line featuring claim 2 should be deposited to meet with 35 USC § 112 provisions. Applicants submit that this cell line is simply a Jurkat cell line transferred with an expression vector encoding the CD16 receptor, which can be easily reproduced by the skilled in the art. Also, the present invention is not limited to the Jurkat CD16 cell line but includes other cell lines expressing the CD16 receptor. Thus, applicants urge that a Jurkat CD16 line can be reproduced or obtained by the skilled in the art.

Rejections Under 35 USC 102(b)

Vivier et al. is only a study aimed at determining the functionality of different CD16 isoforms. Among functionalities of the different isoforms tested, one is the production of IL-2. However, the examiner should note that activation of CD16 in Vivier et al. is performed with anti-CD16 antibodies (see page 1318). Consequently, the CD16 receptor is activated by the binding of the variable Fab region of the antibody. On the contrary, the method according to claim 1 is different since it is the Fc constant region of the antibody which activates the CD16 receptor, whatever the specificity of the antibody. In other words, the present invention allows for the testing of the efficacy of antibodies via their Fc region and not their Fab region. Such a method is not described or suggested in the Vivier et al. document.

Besides, the inventors have found that secretion of IL-2 is correlated with ADCC type activity. Therefore, the method according to claim 1 allows the selection of antibodies that will be able to induce a cytotoxic immune response.


Conclusion

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are

needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By _____

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